

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DANIEL DeFEBO,	:	
	:	
Plaintiff,	:	CIVIL ACTION
	:	
v.	:	No.09-2993
	:	
ANDERSEN WINDOWS, INC.,	:	
and HOME DEPOT U.S.A., INC.,	:	
	:	
Defendant.	:	

**ORDER**

AND NOW, this 3rd day of September, 2009, upon consideration of Defendant Home Depot U.S.A., Inc.'s Motion to Dismiss Counts II and V (Doc. 3), it is hereby ORDERED that Defendant's Motion is GRANTED but that Plaintiff shall have leave to file an Amended Complaint as to Count V within fourteen (14) days.

It is further ORDERED that the caption of this case shall be amended so as to replace Defendant "The Home Depot" with "Home Depot U.S.A., Inc."

BY THE COURT:

/s/ Michael M. Baylson  
Michael M. Baylson, U.S.D.J.